

packages at San Francisco, Calif., alleging that the article had been shipped by Hansen & Dieckmann, from New York, N. Y., May 20, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dieckmann's Russian Cossack Brand Prime Caviar Hansen & Dieckmann Hamburg New York Astrakhan."

Adulteration of the article was alleged in the libel for the reason that roe other than that of sturgeon had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages or labels bore the statement "Russian Cossack * * * Prime Caviar Hansen & Dieckmann Hamburg * * * Astrakhan," regarding the article, which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the packages containing the article were falsely branded as to the country in which it was produced, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On March 2, 1925, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13141. Misbranding of oils. U. S. v. Aeolian Importing Corp. Pleas of nolo contendere. Fines, \$50. (F. & D. Nos. 17522, 17617. I. S. Nos. 1688-v, 1828-v, 1829-v, 1835-v, 1839-v, 1840-v, 1842-v.)

On June 28 and October 10, 1923, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Aeolian Importing Corp., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on February 2, 1923, and March 14, 1923, respectively, from the State of Massachusetts into the State of New Hampshire, of quantities of olive oil and other oils which were misbranded. The olive oil was labeled in part: (Can) "Net Contents One Quart" (or "Net Contents Half Gallon") "Aeolian Brand Imported Pure Olive Oil * * * Importers & Packers, Boston, Mass. * * * Aeolian Importing Co." The remaining products were labeled, respectively: (Can) "Adriatic Brand Superior Quality Oil A Compound Of Cotton Seed Oil Flavored With High Grade Olive Oil" and "Extra Fine Oil Splendor Brand Vegetable Oil Flavored With Pure Olive Oil," together with the statement of the contents, namely, "Net Contents One Gallon" or "Net Contents One Quart," as the case might be.

Examination of samples of the articles by the Bureau of Chemistry of this department showed that 20, 37, and 17 cans of the quart size Aeolian brand from the three consignments averaged 0.948, 0.942, and 0.964 quart, respectively, and 16 cans of the half gallon size Aeolian brand averaged 0.971 half gallon, 30 cans of the quart size and 12 cans of the gallon size of the Adriatic brand averaged 0.969 quart and 0.972 gallon, respectively, and 8 cans of the Splendor brand averaged 0.969 gallon.

Misbranding of the articles was alleged in the information for the reason that the respective statements, to wit, "Net Contents One Quart," "Net Contents Half Gallon," and "Net Contents One Gallon," borne on the various sized cans containing the said articles, were false and misleading, in that they represented that the said cans contained 1 quart, one half gallon, or 1 gallon of the products, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 1 quart, one half gallon, or 1 gallon of the said products, as the case might be, whereas, in truth and in fact, each of said cans did not contain the amount of the respective products declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 2, 1925, pleas of nolo contendere to the informations were entered on behalf of the defendant company, and the court imposed a fine of \$25 in each case.

R. W. DUNLAP, *Acting Secretary of Agriculture.*